

## House Bill 15

By: Representatives Meadows of the 5<sup>th</sup>, Morris of the 155<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Benton of the 31<sup>st</sup>, Smith of the 131<sup>st</sup>, and others

## A BILL TO BE ENTITLED

## AN ACT

1 To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital  
2 records, so as to change certain provisions relating to registration and certificate of births; to  
3 provide for a short title; to provide for related matters; to provide an effective date; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 This Act shall be known and may be cited as "Walker's Act."

8 **SECTION 2.**

9 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is  
10 amended by striking Code Section 31-10-9, relating to registration of births, in its entirety and  
11 inserting in its place the following:

12 "31-10-9.

13 (a) As used in this Code section, the term 'birth' means live birth or fetal death.

14 ~~(a)~~(b) A certificate of birth for each ~~live~~ birth which occurs in this state shall be filed with  
15 the State Office of Vital Records within five days after such birth and filed in accordance  
16 with this Code section and regulations of the department.

17 ~~(b)~~(c) When a birth occurs in an institution or en route thereto, the person in charge of such  
18 institution or that person's designated representative shall obtain the personal data, prepare  
19 the birth certificate, certify, either by signature or by an electronic process established or  
20 approved by the State Office of Vital Records, that the child was born ~~alive~~ at the place and  
21 time and on the date stated and file the certificate with the State Office of Vital Records.  
22 The physician or other person in attendance shall provide the medical information required  
23 by the certificate within 72 hours after the birth occurs.

~~(c)~~(d) Except as provided in subsection ~~(b)~~ (c) of this Code section, when a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

(1) The physician or certified nurse midwife in attendance at or immediately after the birth; or in the absence of such person:

(2) Any other person in attendance at or immediately after the birth; or in the absence of such a person:

(3) The father or the mother; or in the absence of the father and inability of the mother:

(4) The person in charge of the premises where the birth occurred.

~~(d)~~(e) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this state, the birth shall be registered in this state and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters or airspace or in a foreign country or its airspace and the child is first removed from the conveyance in this state, the birth shall be registered in this state but the certificate shall show the actual place of birth insofar as can be determined.

~~(e)~~(f) The name of the natural father or putative father shall be entered on the certificate of ~~five~~ birth as follows:

(1) If the mother was married either at the time of conception or at the time of birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court having jurisdiction, in which case the name of the father as determined by the court shall be entered;

(2) If the mother is not married at either the time of conception or at the time of birth, the name of the putative father shall not be entered on the certificate of birth without the written consent of the mother and the person to be named as father;

(3) In any case in which paternity of a child is determined by a court of competent jurisdiction, the name of the father and the surname of the child shall be entered on the certificate of birth in accordance with the finding and order of the court;

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate; or

(5) Except as provided in paragraph (3) of this subsection, in all other cases, the surname of the child shall be the legal surname of the mother at the time of the birth entered on the certificate as designated by the mother. When a paternity acknowledgment is completed, the surname of the child shall be entered as designated by both parents.

~~(f)~~(g) The birth certificate of a child born to a married woman as a result of artificial insemination, with consent of her husband, shall be completed in accordance with the provisions of subsection ~~(e)~~ (f) of this Code section.

1 ~~(g)~~(h) Either of the parents of the child, or other informant, shall verify the accuracy of the  
2 personal data entered on the certificate in time to permit the filing of the certificate within  
3 the time period prescribed in subsection ~~(a)~~ (b) of this Code section.

4 ~~(h)~~(i) All birth certificates filed and registered must identify the recorded person by name  
5 and the name of each legal parent of such person and the name of all other persons required  
6 by this Code section or by regulation. No obscenities, numbers, symbols, or other such  
7 nonidentifying name information will be accepted. If a legal parent has not decided upon a  
8 first or middle name for the child before the time limits established in this Code section, the  
9 birth record shall be registered without the child's first or middle name, or both, unless a  
10 court order provides otherwise.

11 (j) A certificate of birth may be issued for a fetal death occurring between January 1, 2006,  
12 and July 1, 2007, as provided for in this Code section upon submission of such proof of birth  
13 as the commissioner deems appropriate."

14 **SECTION 3.**

15 This Act shall become effective July 1, 2007.

16 **SECTION 4.**

17 All laws and parts of laws in conflict with this Act are repealed.